

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EVELYN L. MCKINLEY,

Plaintiff,

VS.

HONORABLE LES BROWNLEE,
ACTING SECRETARY OF THE ARMY,

Defendant.

Deposition of ROBIN L. GREEN

Thursday, November 17, 2005

The deposition of ROBIN L. GREEN, called as a witness by the defendant, pursuant to notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Darla J. Carabotta, Notary Public in and for the Commonwealth of Pennsylvania, at the offices of the United State Attorney, 17 South Park Row, Room A-330, Erie, Pennsylvania 16507, commencing at 10:30 o'clock a.m., the day and date above set forth.

COMPUTER-AIDED TRANSCRIPTION BY
MORSE, GANTVERG & HODGE, INC.
ERIE, PENNSYLVANIA
814-833-1799



1 A. I always do that, that is part of my job, is to secure
2 work capabilities and to talk with the agency about what is
3 available.

4 Q. And did you ever find another position after talking to
5 the agency for Ms. McKinley?

6 A. To the best of my knowledge, no.

7 Q. And are you testifying that there was never one
8 available for her, or you can not remember, or what do you mean?

9 A. To the best of my memory, and it's by memory, because I
10 have no records, I remember talking with Fort McCoy, and at
11 first there was no answer. And I also remember that
12 representatives from the Department of Labor had contacted them
13 as well in terms of having a decision regarding a permanent
14 position. I was later advised by the Department of Labor to
15 close my medical file. At that point I did not have her back to
16 work.

17 Q. So are you saying there was no permanent position
18 available?

19 A. Not when my field nurse file was closed, there was no
20 permanent position for her.

21 Q. And during what time period was this, after her back
22 surgery?

23 A. Yes.

24 Q. And was it during a time period where Ms. McKinley's
25 doctors had approved her to go back to work?

1 A. Again I'm going from memory, I don't have any of the
2 records to speak specifically.

3 Q. Okay. You can just give me your memory.

4 A. If I remember correctly, I believe the surgeon, and I
5 believe it was a surgeon from Pittsburgh, had provided work
6 restrictions.

7 Q. Was the surgeon's name Dr. Welch?

8 A. I believe so.

9 Q. And he provided you work restrictions that permitted
10 Ms. McKinley to go back to work, is that your testimony?

11 A. I believe so.

12 Q. And based upon that, are you telling us that you then
13 went to the unit to see if there was a job available?

14 A. No, sir.

15 Q. What are you saying?

16 A. I'm saying that that information was provided to her
17 local agency, and also Fort McCoy and also the Department of
18 Labor, in order to determine if that was a permanent position,
19 they never came back with an offer to me, and I was directed by
20 the Department of Labor to close my file. And I also --

21 Q. Please continue.

22 A. To the best of my knowledge, I do believe I made a
23 recommendation for a vocational -- referral to a vocational
24 counselor.

25 Q. And why would you make that recommendation?

1 A. It was something that I had talked with the staff nurse
2 about in terms of pursuing employment options for Ms. McKinley.

3 Q. Employment options where?

4 A. With the agency or with another facility.

5 Again, from memory, usually if the agency is willing to
6 provide a job, they have me assist in coordinating that, just
7 like I did this time, they would have me do that again. I never
8 did that. So to the best of my knowledge, there was not a
9 position available within those restrictions.

10 Q. And this was after Dr. Welch had provided restrictions,
11 correct?

12 A. To the best of my memory.

13 You have to remember, I have a lot of cases, and this
14 was a lot of years ago.

15 Q. Right. And I didn't ask you that question, I missed it
16 on my list here. But, your experience as a field nurse, how
17 many cases approximately do you handle a year similar to this,
18 workers' comp cases?

19 A. I usually have between 20 and 30 every month. Those
20 vary at length of time, because I work with regular health
21 insurance companies as well as OWCP Department of Labor. So
22 some cases may be opened for a limited assignment, one visit,
23 some may be open for four months.

24 Q. So your caseload is quite high, is that what you are
25 saying?

1 her light duty job at the Army base there in Conneaut Lake, do
2 you remember the name of the person who you spoke to at McCoy,
3 or you communicated to McCoy about the fact that Evelyn was now
4 released back?

5 A. No, I don't. I don't have those records.

6 Q. If you heard the name, would it make a difference?

7 A. It might.

8 Q. Sandra Olson?

9 A. That name is familiar to me.

10 Q. Okay. When you made that contact back with Fort McCoy
11 after Dr. Welch had done the surgery and released Evelyn back to
12 the light duty job, if I understand your testimony, you never
13 received -- I think the words you used were you never received
14 an offer from McCoy for Evelyn for another light duty job; is
15 that correct?

16 A. I believe that's correct.

17 Q. And do you recall as you sit here today what your
18 reaction was at that time, if they already accommodated her from
19 November of '01 to May of '02, why they all of a sudden now
20 didn't have anything for her, do you recall?

21 A. I don't.

22 Q. Did you ever make any further inquiries into it?

23 A. I don't have any of those records.

24 Q. All right. Now, the records that you're not having
25 today that you recall exist, would they include communications